

QUEER DAMAGE SUIT

Ogden Man Wants \$40,000 From The Herald.

MR. SHIELDS' COMPLAINT

HERALD PUBLISHED DOCUMENT FILED IN COURT.

This document charged Shields with receiving \$1,072 as executor of an estate, which was not included in the assets—suit is not taken seriously.

F. A. Shields, a resident of Ogden, who is one of the executors of the will of the late Robert J. Hill, is charged with collecting and receiving, on behalf of the Hill estate, the sum of \$1,072, for which proper accounting was not made in the appraisal and inventory of the estate filed by the executors. This charge was made in a document regularly filed in the district court at Ogden last Tuesday, the substance of which was published by The Herald and other newspapers. Shields now alleges that the publication of this document by The Herald has damaged him to the amount of \$40,000, and in a suit instituted at Ogden demands judgment for that sum. It does not appear that he considers himself damaged in any amount through the publication of the same facts by other newspapers.

The document for the publication of which Shields thinks The Herald should pay him the small sum of \$40,000 was filed by Thomas Maloney and Richards & Allison, attorneys for certain devisees named in the will of the late Robert J. Hill. It was a notice of a motion to set aside the appraisal and inventory filed by the executors of the will, on the ground that it was deficient, erroneous and insufficient, and to require them to file a supplementary appraisal and inventory.

In order to show that the document did, in fact and in truth, contain all the allegations stated in The Herald in the publication complained of, which publication Shields declares was "false and defamatory," a full and true copy of the notice is now published. It follows:

In the district court of the Second judicial district, county of Weber and state of Utah. In the matter of the estate of Robert J. Hill, deceased. Exceptions to appraisal and inventory. To Rev. William E. Mason and Frederick A. Shields, executors of the last will and testament of Robert J. Hill, deceased, and George McCormick, esq., their attorney.

Take notice that on the 1st day of May, 1900, at 10 o'clock a. m. of said day, or as soon thereafter as counsel can be heard, we will move the above named court at the court room thereof, in Ogden, Utah, to vacate and set aside the appraisal and inventory heretofore filed by said executors and appraisers and to require them to file a supplementary appraisal and inventory of said estate on the ground and for the reason that said appraisal and inventory are deficient and erroneous and insufficient and do not show the assets of said estate in the following particulars:

That the real estate devised to the undersigned and known as lot 3, block 8, plat 14, of Ogden city, was appraised at a sum far in excess of its actual value and at a sum that is excessive and uncertain, to-wit: the sum of \$8,500, when said property has been offered at \$4,000 and could not be sold therefor and is assessed at the sum of \$5,000.

They except to the sufficiency of the inventory filed on the court on the 1st day of March, 1900, and allege that the same is deficient on the following grounds, to-wit:

First—Said inventory fails to include the following items due the estate of the testator:

- A—An account due the said estate from Willard Snow, for pasture, for the year 1899, \$15.00
- B—An account for pasture due said estate from Willard Snow, for the year 1899, \$15.00
- C—An account for pasture due said estate from Willard Snow, for the year 1899, \$15.00
- D—One note or account due said estate from I. P. Frodsham, \$25.00
- E—Money paid by said estate to Shields (one of the said executors) with which to pay water taxes due for which which has not been paid, \$15.40
- F—Money collected by said estate from the year 1899, which has not been paid, \$21.08
- G—Money collected by said estate from the year 1899, which has not been paid, \$7.04
- H—Money collected by said Shields with which to pay state, county and municipal taxes for 1899, which have not been paid, \$131.31
- I—Money paid by said estate to the sale of personal property of said testator on the 25th day of June, 1899, \$175.00
- J—Money collected by said Shields for rent of house and lot, "Rundown," from 1st day of July, 1899, to 1st day of July, 1900, \$300.00
- K—Money paid to said Shields by Mrs. Hurst for furniture, sold the property of the testator, about \$75.00
- L—Money paid to said Shields in his statement sent to the testator as due him, said testator, \$49.36
- M—Rent of house and lot from the 1st day of July, 1899, to the 1st day of April, 1900, at the rate of \$5 per month, due from said Shields, \$225.00
- N—An account due said estate from G. G. Griffith, \$50.00
- O—An account due said estate from George Driver, \$10.00

THOMAS MALONEY, RICHARDS & ALLISON, Attorneys for certain devisees named in the will of deceased.

To the executors of the last will and testament of Robert J. Hill, deceased, and to George McCormick, their attorney.

Not Taken Seriously.

The suit is not taken seriously by those who know the circumstances and the law of the case. This suit is candidly admitted by the closest advisers of Mr. Shields in the matter to be merely a method of "removing out" certain of Mr. Shields' enemies. They do not explain in detail just how this vicarious damage suit system is expected to operate.

Cholera in India. London, April 26.—A special dispatch from Bombay says: "The cholera is raging fearfully at the great camp of Godra, where thousands of famine-stricken natives are receiving relief. One hundred and fifty corpses were removed yesterday, but 100 others had to be left because it was impossible to procure bearers."

Grand Opera For London. New York, April 26.—Maurice Grau and many members of his company sailed today on the French liner La Touraine. They are en route to London, where the company will soon open in grand opera.

Want a Short Creed. Lima, O., April 26.—The Lima presbytery, at a special meeting, decided unanimously to ask the general assembly to adopt a short, comprehensive creed, stating the belief and the teachings of the Presbyterian church. The presbytery embraces thirty-three churches, and is the first in this synod to take such action.

Of Money. (Indianapolis Journal.) No cash account I keep—not I; I would make ready to hand out I've made good money by for things I did not need.

IS TARGET FOR RUMOR

REPORTED THAT GEN. JOSEPH WHEELER WILL MARRY.

The Widow of the Late George W. Childs. It Is Said, Will Be the Fortunate Bride.

New York, April 26.—A special to the Herald from Washington says: Persistent rumor again couples the names of General Joseph Wheeler and Mrs. George W. Childs, and this time there seems to be good reason to believe an announcement of their engagement to marry will be made. When Mrs. Childs was asked for a confirmation or denial of the rumor, she smiled and referred the question to General Wheeler. The gallant veteran also smiled, when asked about it.

"It would be anything but gallant for me to talk upon that subject without Mrs. Childs today," he said. "At the same time, I will admit that this rumor has been so persistent that it would be to set it at rest one way or the other for all time. I'll tell you what I will do. I will see Mrs. Childs, and ask her to answer your questions, or authorize me to do so."

He then turned in the direction of the home of Mrs. Childs, in K street. When seen later he smiled broadly. "Yes, I saw Mrs. Childs," he said, "and I think you will soon receive your answer. Mrs. Childs said she would send you a note, setting at rest all of these rumors."

General Wheeler was assured that any further reference would be taken as a confession that the engagement would soon be announced.

You will have to draw your own conclusions," was the reply, "though I believe that Mrs. Childs will at once give you the answer."

No statement could be obtained from Mrs. Childs today. General Wheeler admitted, however, that at luncheon in Philadelphia, attended by Mrs. Childs and himself, they were congratulated on their engagement. These congratulations were accepted without denial, though General Wheeler now says they were unfortunate and untimely.

Shortly after the death of Mr. George W. Childs, Mrs. Childs erected a residence on K street, which ranks as one of the most palatial homes of the national capital. It is of Roman architecture, and is superbly furnished. It has been the scene of many brilliant functions. General Wheeler has apartments at the Arlington. It is probable he will, in the near future, be made a brigadier general in the regular army and retired.

SINCLAIR ON THE STAND.

Continues His Testimony In the Coeur d'Alene Case.

Washington, April 26.—The cross-examination of Bartlett Sinclair continued before the Coeur d'Alene investigating committee today, without development of notable incidents. Attorney Robertson closely questioned the witness as to the legality of the dismissal of the county commissioners, the enforcement of the permit system and the other processes adopted by Mr. Sinclair at the close of the day.

Tomorrow Mr. Sinclair will answer questions propounded by members of the committee. Attorney Robertson and the witness clashed rather sharply throughout the cross-examination, as the witness' answers were, in the main, a flat contradiction of the statements embodied in the attorney's question. At no time, however, was there any excitement or signs of an encounter.

In regard to a published interview, Mr. Sinclair was alleged to have said that President McKinley had told him fully approved of what had been done by the governor and civil authorities in the Coeur d'Alene, the witness said the interview was erroneous, and he had not attributed such statements to the president.

MURDER AT PORTLAND. Body of Unknown Man Found Floating in Willamette River.

Portland, Ore., April 26.—The body of an unknown man was found floating in the river today from this city. A rope around the neck was twisted a wire to which was attached two iron brake shoes taken from the body of a man weighing about fifty pounds.

The police believed that the body was that of William E. Blinn, a resident of N. Y., who had been reported missing, but this evening word that he was safe in Seattle. The head of the corpse was badly crushed in, indicating that the man had been murdered and then thrown into the river with the weighted rope.

Up to a late hour tonight the body had not been identified.

BRYAN AT HIS HOME. Will Make His Headquarters at Lincoln Until After Convention.

Lincoln, Neb., April 26.—William J. Bryan returned to his Lincoln home today, and with the exception of a week's campaign in Michigan and northern Ohio, beginning next Monday, will remain here almost uninterruptedly until after the Democratic national convention.

Mr. Bryan said this period of rest and quiet was most needed in his state of health, which was excellent, but was in pursuance of a programme mapped out some months ago. He said he saw no reason to change a plan perfected some time since, and that he would not attend the Kansas City convention.

KNIGHTS OF THE SOIL. New Organization of Farmers Is Formed in Kansas.

Able, Kan., April 26.—The first lodge in Kansas of a new farmers' organization, to be known as "The Knights of the Soil," was organized here today, with Samuel Landis as "head carner."

Similar lodges are to be started throughout the state, and it is intended that the president be elected from the ranks of the farmers. The organization was a general illumination of the town and harbor. The channel fleet was fired a royal salute as her majesty's yacht anchored. The town was brightly decorated, and this evening there was a general illumination of the town and harbor.

QUEEN IN ENGLAND. Victoria Returns Home, After Her Visit in Ireland.

London, April 26.—Queen Victoria arrived at Holyhead at 6:30 p. m. The channel fleet fired a royal salute as her majesty's yacht anchored. The town was brightly decorated, and this evening there was a general illumination of the town and harbor.

In Interest of Shafter. Washington, April 26.—Senator Burrows introduced a bill in the senate today authorizing the president to select from the retired list of the army an officer not above the rank of brigadier general who may have distinguished himself during the war with Spain in command of a separate army and to appoint him to be the general in the retired list. The bill is in the interest of General Shafter.

HASSING ON TRIAL

National Guard Captain Faces Court-Martial.

MUCH EVIDENCE TAKEN

WITNESSES ON BOTH SIDES EXAMINED.

Prosecution Represented By Benner X. Smith and Defense By D. H. Wells—Accused Denied That He Was Guilty of Any Breach of Military Law.

For three hours last night Captain O. H. Hassing of company B of the N. G. U. was on trial before a court-martial of high officers of the National Guard in the office of the judge advocate general, on the charge of being drunk and disorderly while on duty. The specifications were made by Lieut. There were three counts—first, that Captain Hassing was drunk in uniform; second, that he was seen drinking at a public bar with his men, and third, that he permitted his company to become disorderly in a public street and at a public bar.

The court was made up of Brigadier General John C. Cannon, Quartermaster General N. W. Clayton, Colonel M. J. Rutledge, Major H. M. H. Lund and Colonel Samuel C. Park. The case was prosecuted by Judge Advocate General Benner X. Smith, and the accused was defended by Assistant Adjutant General D. H. Wells.

Testimony in Case. The bare facts in the case seem to be that Captain B. in command of Captain Hassing, went out on a practice march on Sunday, April 22, going north on the highway of the Hot Springs. There had been a recent election of officers in the company, and according to custom the new officers stood treat. A one-gallon jug of port wine and a two-gallon jug of angelica were furnished, and these were taken along on the practice march.

The whole command drank from these jugs at least four times during the march, and when the boys got back to the Warm Springs late in the afternoon and drank there a number of times, the expense of Colonel Treweek, who had been in command the week before, was said to be \$100.00. Captain Hassing seems to have stayed with his command all through the campaign.

Lieutenant Critchlow was the first witness. He testified that he was at the Warm Springs on the day in question, and that Captain Hassing on the hospital steps, that he seemed under the influence of liquor, that later he crossed to the saloon and heard him talking to a man there, after having seen a number of soldiers. Benner X. Smith in the saloon. He also heard company H cheer Colonel Treweek before entering the saloon.

General Burton was the next witness and testified to the same facts. He considered Captain Hassing under the influence of liquor, but not too drunk to issue orders to his command. He entered the saloon and called Captain Hassing out; he did not see him drink, but he heard him talking to a man there. When the captain came out he seemed drunk, and told him that he should have sent his men into the army.

Captain Hassing Testifies. Captain Hassing, at his own request, testified in his own behalf. He told of having been in the saloon, and of the practice march on company business, and thought this was sufficient to make him a little groggy on his feet. He told of not too drunk to march and of the drinking, of how he went into the saloon with Colonel Treweek before his command got to Warm Springs, how he refused to drink, but took a cigar. Later he permitted the men to drop out and some of them went back into the saloon, and he followed them. He told of not too drunk to meet a friend in there and talked with him for five minutes until General Burton called him out. He denied that he drank anything in the saloon, that he drank anything in the saloon, that he drank anything in the saloon, that he drank anything in the saloon.

Following the Private Parry, the man who was shot with the soap, testified: Private Stephen Mills testified, Corporal Charles Smith testified, Private Newton, Sergeant A. H. Lund and Frank Moyle also testified. The testimony of these men showed that Colonel Treweek invited the men into the saloon, that he drank anything in the saloon, that he drank anything in the saloon, that he drank anything in the saloon, that he drank anything in the saloon.

BRYAN AT HIS HOME. Will Make His Headquarters at Lincoln Until After Convention. Lincoln, Neb., April 26.—William J. Bryan returned to his Lincoln home today, and with the exception of a week's campaign in Michigan and northern Ohio, beginning next Monday, will remain here almost uninterruptedly until after the Democratic national convention.

Mr. Bryan said this period of rest and quiet was most needed in his state of health, which was excellent, but was in pursuance of a programme mapped out some months ago. He said he saw no reason to change a plan perfected some time since, and that he would not attend the Kansas City convention.

NAME STATE TICKET. Democrats of Alabama Also Strongly Support Bryan.

Montgomery, Ala., April 26.—The Democratic state convention today completed the state ticket, selected delegates to the Kansas City convention, adopted a platform and adjourned.

W. J. Samford of Lee was nominated for governor. Senator John T. Morgan, Frank S. White, H. M. Merrill and R. J. Lowe were named as delegates to the Kansas City convention.

The convention adopted a resolution endorsing W. J. Bryan and instructing delegates from Alabama to vote for him for president. A second resolution instructing the delegation to vote for the Chicago platform's reaffirmation was lost.

Governor Is Nominated. Indianapolis, Ind., April 26.—After a contest that lasted from 9 o'clock until 3 in the afternoon Colonel Winfield Taylor of Indiana was nominated for governor by the Republican state convention today.

The nomination was made on the seventh ballot, after Durand had gradually drawn strength from the following: Griffiths, Hogue, Hagyard, Posey and Dodge.

Chief Joseph's Appeal. Washington, April 26.—Chief Joseph of the Nez Percés Indians, was introduced to the secretary of the interior today by General Miles, by whom he was captured during the Nez Percés war, yesterday. Chief Joseph asked if his band would be returned to their old reservation in Oregon. The secretary stated that the Indian bureau had made an adverse report on this petition, but he would personally investigate the subject.

HUMOR IS ONLY TRUTH

SAYS LECTURER ELI PERKINS

Eli Perkins was at the Kenyon yesterday morning en route to Ogden to lecture. When asked what he was writing now, he said:

"Everything. Politics, money, political economy, and all the cheap suit me best. And then, the people tire of politics, but they never tire of humor."

"What is humor?" he was asked. "Well, sir," said Eli, "humor is truth. Joel Chandler Harris' negro dialect is humor. It is so true. The talk of little children, if given truthfully, is humor. The other day on the Union Pacific I heard two little children talking and I caught their little savings in short hand."

"One said: 'What you doin' to do some day, Eddy?'"

"Well," said Eddy, his eyes rolling dreamily, "Ise doin' to be a general and marry a rich girl."

"Bein' a general ain't no way to ketch a girl," said Eddy.

"That ketches girls," asked Johnny.

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JUSTICE MCMASTER WOULD

SELL UNION PACIFIC OUT

Justice McMaster issued an execution against the office of the Union Pacific Railroad company yesterday, which caused some worry for a few moments. It looked for a time that the company might be sold out under the hammer for a very small bid, payment of which was backward.

Blanche Shelton had obtained judgment against Frank Norton, an Idaho employee of the company, for \$40 some months ago, and a garnishment was issued against the company for the money.

When the company answered that it had the money in its possession, it was ordered to turn the amount into court.

Justice McMaster says that there were many promises, but the money was not paid. Consequently an execution was issued, and there was, for a few moments, some fright about the office until an agreement was reached by which a settlement will be had this morning.

Justice McMaster has the idea that great railroad corporations must obey the order of even a justice court.

SCOTT FIGHTS FOR HIS SEAT (Continued from Page 1.)

too strongly characterized. It is a horrible state of affairs. And yet we are told that the United States senate cannot examine into a fraud like that.

Later he pointed out that at one point of the proceedings Mr. Scott needed just one more vote.

"There are some very smart people in West Virginia," said he, "and they went immediately to the bargain counter."

Further along Mr. Pettus sharply criticized the action of the governor of West Virginia in entering into the case in the interest of Mr. Scott.

Mr. Chandler explained. He said that the governor of the state should get down into the mud and dirt of a vile case like this. And from his action I should have needed civil service in Charleston."

Mr. Pettus maintained that the case had not been clearly investigated by the privileges and elections committee. In conclusion, Mr. Pettus moved the report and resolution in the case of Mr. Scott be referred to the committee on privileges and elections with instructions to investigate the case thoroughly.

Mr. Chandler Explains. Mr. Chandler, chairman of the committee on privileges and elections, presented an explanation of the agreement entered into by the Republican and Democratic leaders in the legislature and in the state of West Virginia and declared it was perfectly valid, perfectly honest and fair. He held with him the bill which he had introduced to investigate the action of the legislature on election contests.

Mr. McComas declared that no charges against the committee had been presented to the committee against Mr. Scott and said the case against him was without basis or sides.

Mr. Aldrich (Neb.) held that the United States senate could not review any of the actions of the West Virginia legislature—even the election of a United States senator and Mr. Teller took the case then went over until tomorrow.

Mr. Carter gave notice that he would try to get a vote upon the Alaskan canal bill tomorrow. He made a strong appeal from the Seattle chamber of commerce for the early passage of the bill.

PASS POSTOFFICE BILL. Several Amendments Made Before It Goes Through the House.

Washington, April 26.—After four days of discussion the house today passed the postoffice appropriation bill. The attempt to strike out the \$196,000 for special mail facilities from New York to New Orleans, and from Kansas City to St. Louis, failed.

The bill has ever since its introduction placed in the bill in 1893. No one demanded a separate vote upon the amendment striking out the pneumatic mail route, and the house by a large majority, stood by the amendment to give extra compensation to letter carriers for work in excess of forty-eight hours, which was passed by the house.

The bill to increase the salary of the director of the census to \$7,500 and the salaries of supervisors of census by 2 per cent of the amount received by their enumerators, was passed. The final conference report on the Hawaiian government bill was presented but not acted upon owing to the absence of a quorum.

CHINA ON THE VERGE OF A REVOLUTION (Continued from page 1.)

he will assume command of the imposing fleet which will then be assembled in our harbor. The foreign community is keen to note the contrast between the imperial display and that of the day not long since, when the sole representative of the American navy in these waters was the old cutter, Monaghan.

The naval maneuvers of the Japanese fleet are now progressing in the Indian sea, the original intention of having them take place in the Korean straits having been abandoned. It is said, out of consideration to Russian susceptibilities. No foreigners are allowed to witness them, but at their conclusion there is to be a grand review of the ships in the harbor of Kobe, and all who desire can have an opportunity of seeing the evidence of the immense power which Japan has taken as a naval power since the close of the Chinese war.

GETS THE MOTOR. General Electric Company Wins From New Mammoth.

In the case of the General Electric company vs. Theodore Bruback, receiver of the New Mammoth Mining company, Judge Charles S. McGowan found the issue for the plaintiff. The electric company was suing for the possession of a motor furnished by them and valued at \$370. The defendant had paid \$100. The plaintiff claimed title to the machine.

BID ON WATERWORKS. City of Ogden Makes an Offer For Property.

Another bid was given in yesterday for the Ogden waterworks system. This was the bid of Ogden City, which was by the resolutions passed last Monday night by the council, and signed by the mayor. It offers \$350,000 for the system, all litigation to be called off. The bid was offered to the master in chancery of the United States court, but was by him referred to Receiver Weaver, who accepted it for consideration, first stipulating that it should have been addressed directly to the receiver in his official capacity.

Master in Chancery F. H. Lewis informed those interested that he merely had jurisdiction to hear matters pertaining to the first bid, that of Messrs. Eccles, Dee and Spencer, of \$400,000. All other bids must be made before the receiver, who will report them to the court.

BANKRUPTCY CASES. Two Petitions Filed In United States Court Yesterday.

Two bankruptcy petitions were filed in the United States court late yesterday afternoon. They were by Leon E. Eureka, who ran into debt in the conduct of a clothing store to the amount of \$1,887.11, all of which is unsecured. He has assets to the amount of \$152. Of this amount \$5 is in cash on hand, and the rest is in household furniture, which he claims to be exempt.

The other petition was filed by Gustav R. Day, a tinner's helper of this city, in the employ of the Rio Grande Western company. His debts amount to \$235.15 in unsecured claims. He has as assets household goods valued at \$105.50.

TURNED THE CATTLE AWAY

HERDSMEN NOT ALLOWED TO ENTER PARLEY'S.

Prompt Action On Part of Western Field and Patrolman Young Prevents Pollution.

Late Wednesday night Land and Water Commissioner Westerfield received information that a herd of 400 cattle were to be driven up Parley's canyon yesterday morning from the south end of the county to the eastern range. He learned, too, that H. F. Peterson, Theodore Drage, Orson Drage and other herdsmen had declared their intention of violating the law forbidding the driving of stock through the canyon, and consequent pollution of the canyon creek.

Prompt action was necessary, and Commissioner Westerfield sent word by telephone early yesterday morning to Patrolman Phineas Young to be on the lookout for the trespassing herd. The patrolman made a quick ride down to the mouth of the canyon and arrived there just in time to stop the cattle from getting as far as the conduit reservoir.